IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 988 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KANU PARBATBHAI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 988 of 1999

MR G RAMAKRISHNAN for Appellant No.

THROUGH JAIL for Appellant No.

MR HL JANI ld. APP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 27/10/2004

ORAL JUDGEMENT

1. This appeal is preferred by the appellant against the judgment and order dated 15.6.1999 delivered by the

ld. Addl. Sessions Judge, Junagadh, in Sessions Case No. 39/1997, whereby the present appellant was convicted for the offence punishable under sec. 394 of Indian Penal Code and was sentenced to undergo R/I for 7 years and fine of Rs. 500/-, in default, to undergo S/I for 15 days.

2. Ld. advocate Mr. Ramakrishnan for the appellant and Mr. HL Jani ld. APP for the respondent-State were heard.

3. Ld. APP places on record the jail remarks dated 21.10.2004 in respect of appellant indicating that the appellant earned remission according to law of 1 year, 1 month and 22 days and, hence after completion of the sentence awarded upon the appellant in this case, he is released from jail on 17.5.2003, but he being under-trial in some other case, he has been detained.

4. In the above view of the matter, when the sentence awarded to the appellant vide judgment and order impugned in this appeal, is fully served upon the appellant and since the punishment awarded is completed on 17.5.2003, this appeal has now become infructuous and is required to be disposed of accordingly.

5. In the result, this appeal stands disposed of as having become infructuous.

(J.R. VORA, J.)
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